

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**SARA PICKETT,
Plaintiff**

v.

**NORTH CHRISTOPHER MENGES, et
al.,
Defendants**

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No. 1:24-cv-00537

(Judge Kane)

(Chief Magistrate Judge Bloom)

ORDER

Before the Court in the above-captioned action are the October 29, 2024 Reports and Recommendations of Chief Magistrate Judge Bloom (Doc. Nos. 18–19), recommending that the Court grant the motions to dismiss Plaintiff Sara Pickett (“Plaintiff”)’s complaint filed by Defendants Joshua Harshberger, Esq. (“Defendant Harshberger”) and the Honorable North Christopher Menges (“Defendant Judge Menges”) without prejudice and with prejudice, respectively, pursuant to Federal Rule of Civil Procedure 12(b)(6) because, as to Defendant Harshberger, Younger abstention bars consideration of Plaintiff’s claims at this time and the complaint fails to state a claim upon which relief may be granted. (Doc. No. 18 at 9–15.) Additionally, Chief Magistrate Judge Bloom recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff’s state tort conspiracy claim against Defendant Harshberger because Plaintiff’s complaint fails to state a federal claim against him. (Id. at 15.) As to Defendant Judge Menges, Chief Magistrate Judge Bloom concludes that Plaintiff’s complaint is barred by the Younger abstention doctrine at this time, and more fundamentally, fails to state a claim upon which relief may be granted given that a state judge is entitled to absolute judicial immunity from any civil liability arising from acts taken in an official capacity. (Doc. No. 19 at 13.) No timely objections to the Reports and Recommendations have been filed. Because the time for filing objections has passed, the Report and Recommendation is ripe for

disposition.

AND SO, on this 26th day of November 2024, upon independent review of the record and the applicable law, **IT IS ORDERED THAT**:

1. The Court **ADOPTS** Chief Magistrate Judge Bloom's October 29, 2024 Reports and Recommendations (Doc. Nos. 18–19);
2. Defendant Harshberger's motion to dismiss (Doc. No. 5) is **GRANTED**, and Plaintiff's claims against him (Doc. No. 1) are **DISMISSED**;
3. Defendant Judge Menges's motion to dismiss (Doc. No. 9) is **GRANTED**, and Plaintiff's claims against him (Doc. No. 1) are **DISMISSED WITH PREJUDICE**; and
4. The case is **RECOMMITTED** to Chief Magistrate Judge Bloom for further pretrial management.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania